

BOARD of SUPERVISORS



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# MEMORANDUM

TO: Alondra Esquivel-Garcia, Director, Youth Commission  
FROM: Monique Crayton, Assistant Clerk,  
Government Audit and Oversight Committee  
DATE: March 15, 2024  
SUBJECT: LEGISLATIVE MATTER INTRODUCED

The Board of Supervisors Government Audit and Oversight Committee has received the following Resolution, introduced by Supervisor Melgar on March 5, 2024. This item is being referred for comment and recommendation.

**File No. 240211**

**Resolution approving the Umbrella Memorandum of Understanding between the San Francisco Public Utilities Commission (SFPUC) and the San Francisco Unified School District (SFUSD), and establishing a partnership framework for SFPUC’s installation and operation of various green infrastructure projects on SFUSD properties, with a total term of 40 years from June 1, 2024, through June 30, 2064, pursuant to Charter, Section 9.118.**

Please return this cover sheet with the Commission’s response to Monique Crayton, Assistant Clerk, Government Audit and Oversight Committee.

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RESPONSE FROM YOUTH COMMISSION      Date: \_\_\_\_\_

No Comment  
 Recommendation Attached

\_\_\_\_\_  
Chairperson, Youth Commission

C: Office of Supervisor Melgar  
Office of Chair Preston

1 [Umbrella Memorandum of Understanding - SFPUC - SFUSD - Installation, Operation and  
2 Maintenance of Green Infrastructure]

3 **Resolution approving the Umbrella Memorandum of Understanding between the San**  
4 **Francisco Public Utilities Commission (SFPUC) and the San Francisco Unified School**  
5 **District (SFUSD), and establishing a partnership framework for SFPUC’s installation**  
6 **and operation of various green infrastructure projects on SFUSD properties, with a**  
7 **total term of 40 years from June 1, 2024, through June 30, 2064, pursuant to Charter,**  
8 **Section 9.118.**

9

10 WHEREAS, The San Francisco Public Utilities Commission (SFPUC) has a long-term  
11 vision to manage one billion gallons of stormwater each year using green infrastructure by the  
12 year 2050; and

13 WHEREAS, In order for SFPUC to reach this goal, the agency must work with large  
14 landowners across the city to manage stormwater; and

15 WHEREAS, The San Francisco Unified School District (SFUSD) owns over 400 acres  
16 of land in San Francisco, with an average of 75% impermeable surfaces; and

17 WHEREAS, Building green infrastructure on schools would offer SFPUC access to  
18 highly impervious parcels for cost-effective stormwater management, provide SFUSD with  
19 schoolyard improvements that would increase children’s access to nature and benefit all San  
20 Franciscans by creating a more resilient city; and

21 WHEREAS, SFUSD acknowledges that Green Infrastructure would enhance the  
22 recreational and learning experiences of students, as well as improve the District's efforts to  
23 be resilient to climate change; and

24 WHEREAS, The SFPUC is seeking Board of Supervisors’ approval of an Umbrella  
25 Memorandum of Understanding (MOU) between SFPUC and SFUSD to establish the general

1 partnership framework by which green infrastructure projects will be delivered, including the  
2 definition of the overall objectives and roles and responsibilities for SFPUC and SFUSD; and

3 WHEREAS, The MOU is 40 years in length, beginning in June 2024 ending in June  
4 2064; and

5 WHEREAS, The MOU provides for SFPUC's consultation and cooperation with SFUSD  
6 to facilitate SFPUC's planning, design, and construction of various green infrastructure  
7 projects on SFUSD property; and

8 WHEREAS, The MOU establishes a commitment by SFPUC and SFUSD to work  
9 cooperatively and in good faith to deliver green infrastructure projects that would benefit San  
10 Francisco ratepayers and students; and

11 WHEREAS, Under the MOU, SFPUC will directly hire contractors to install the green  
12 infrastructure, and after completion, SFPUC will be responsible for operating and maintaining  
13 the green infrastructure, while SFUSD must operate and maintain any non-green  
14 infrastructure that was installed along with the green infrastructure; and

15 WHEREAS, The MOU outlines cost responsibilities, required regulatory approvals,  
16 contracting requirements at SFPUC and SFUSD, asset acceptance procedures for green  
17 infrastructure and other improvements, mutual indemnity obligations, and damages or defaults  
18 throughout the 40-year agreement; and

19 WHEREAS, Under the terms of the MOU, individual projects will be initiated as site  
20 agreements between SFPUC and SFUSD, and the template for the site agreement is  
21 attached as Appendix A to the approved MOU; and

22 WHEREAS, Each of the site agreements will be approved by the SFPUC Commission  
23 and the SFUSD Board of Education under the authority of this MOU, and will specify the  
24 project scope, schedule, and budget, along with a site-specific operations and maintenance  
25 plan; and

1           WHEREAS, On January 09, 2024, the SFUSD Board of Education approved the MOU  
2 by Resolution 241-9M13; and

3           WHEREAS, On February 13, 2024, the SFPUC Commission approved the MOU by  
4 Resolution No. 24-0029; now, therefore, be it

5           RESOLVED, That this Board of Supervisors hereby approves the Umbrella MOU  
6 between the SFPUC and the SFUSD to establish a partnership framework for SFPUC's  
7 installation and operation of various green infrastructure projects on SFUSD properties, with a  
8 total term of 40 years from June 1, 2024, through June 30, 2064; and, be it,

9           FURTHER RESOLVED, That within 30 days of the execution of the Umbrella MOU  
10 between the SFPUC and SFUSD, the General Manager of the SFPUC shall provide the  
11 signed agreement to the Clerk of the Board for inclusion in the official file.

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